

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Marcus Johnson,)	C/A No. 0:09-2118-JFA-PJG
)	
Plaintiff,)	
vs.)	ORDER
)	
SCDC Jon Ozmint, Director; Gregory)	
Knowlin, Warden, Turbeville Correctional)	
Institution; Linda Bradshaw, Assoc. Warden,)	
Turbeville Correctional Institution; and Capt.)	
Angela Brown, DHO Hearing Officer,)	
Turbeville Correctional Institution,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Marcus Johnson, brings this action pursuant to 42 U.S.C. § 1983.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that the court should dismiss this action for lack of prosecution. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The defendants filed a motion to dismiss and the court advised the plaintiff in a *Roseboro* order of the importance of his adequate response to the motion. *Roseboro v.*

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Garrison, 528 F.2d 309 (4th Cir. 1975). Plaintiff did not respond. The Magistrate Judge issued another order on May 3, 2010 requesting that the plaintiff advise the court if he wished to continue with the prosecution of this action and allowing him fourteen additional days to respond to the defendants' motion to dismiss. The plaintiff did not respond.

The plaintiff was also advised of his right to file objections to the Report and Recommendation, which was entered on the docket on May 21, 2010. However, the plaintiff did not file any objections to the Report within the time limits prescribed.

The Magistrate Judge has reviewed the matter and finds that plaintiff meets all of the criteria for dismissal under *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919 (4th Cir. 1982).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice for failure to prosecute under Rule 41(b) all outstanding motions are deemed moot.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

June 17, 2010
Columbia, South Carolina